

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andreas BERGMANN

Serial No.: 10/511,758

Group Art Unit: 1649

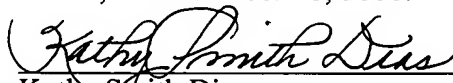
Filed: May 25, 2005

Examiner: Borgeest, Christina M.

Title: METHOD FOR DIAGNOSING INFLAMMATORY DISEASES AND  
INFECTIONS BY THE DETERMINATION OF LASP-1  
IMMUNOREACTIVITY

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 18, 2006.

  
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Reg. No. 41,707

Date of Signature: December 18, 2006

To: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Response to Restriction Requirement Under 37 C.F.R. § 1.142

Dear Sir:

This is in response to the Office Action mailed on October 17, 2006, in connection with the above-identified U.S. patent application. The one-month period for response expired on November 17, 2006. In light of a request for a one-month extension of time, response was due December 17, 2006; that being a Sunday, this response is timely filed.

Claims 1-18 were presented at the time of filing and are currently pending in the application. The Action of October 17, 2006 requires election under 35 U.S.C. §121 between two groups of claims:

Group I (claims 1-17) are drawn to a method comprising determining the presence and/or amount of LASP-1 protein; and

Group II (claim 18) is drawn to a method of making a medicament comprising LASP-1, LAP-1 and/or partial peptides thereof.

Applicants hereby elect the claims of Group I (claims 1-17). The election is made without traverse and without prejudice to Applicants' right to pursue the subject matter of the non-elected claims in one or more additional applications.

The Office action also requires an election of a representative species for the following:

1. Method of measuring protein
2. One further protein for use in sepsis diagnosis
3. SEQ ID NO.

With respect to method of measuring protein, Applicants elect immunodiagnostic assay of the sandwich type. Claims 1-13, 16 and 17 read on this species.

With respect to a further protein for use with LASP-1 in sepsis diagnosis, Applicants elect procalcitonin. Claims 1-17 read on this species.

With respect to a SEQ ID NO., Applicants provisionally elect SEQ ID NO.: 13 as a representative species. Claims 1-3, and 5-17 read on this species.

Enclosed herewith is a new Power of Attorney for the present application.

The Examiner is invited to contact Applicants' Attorney at the telephone number given below, if any further questions arise in connection with this Application.

Respectfully submitted,



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Dated: December 18, 2006

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